

Public Document Pack



Agenda for a meeting of the Bradford District Licensing Panel to be held on Thursday, 24 February 2022 at 10.00 am in Committee Room 1 - City Hall, Bradford

Members of the Committee – Councillors

LABOUR	CONSERVATIVE	THE INDEPENDENTS
M Slater	Winnard	Hawkesworth

Notes:

- This agenda can be made available in Braille, large print or tape format on request by contacting the Agenda contact shown below.
- The taking of photographs, filming and sound recording of the meeting is allowed except if Councillors vote to exclude the public to discuss confidential matters covered by Schedule 12A of the Local Government Act 1972. Recording activity should be respectful to the conduct of the meeting and behaviour that disrupts the meeting (such as oral commentary) will not be permitted. Anyone attending the meeting who wishes to record or film the meeting's proceedings is advised to liaise with the Agenda Contact who will provide guidance and ensure that any necessary arrangements are in place. Those present who are invited to make spoken contributions to the meeting should be aware that they may be filmed or sound recorded.
- Given the restrictions on room capacity, any Councillors and members of the public who wish to attend the meeting are asked to email jill.bell@bradford.gov.uk by **mid-day on Tuesday 22 February 2022** and request to do so.
- On the day of the meeting please ensure that you comply with the COVID restrictions in place at the current time and adhere to social distancing. Staff will be at hand to advise accordingly. Participants may be asked to wait in a separate room if the capacity in the meeting room has been reached and they will be escorted back into the meeting when their item is considered by the Committee.
- If any further information is required about any item on this agenda, please contact the officer named at the foot of that agenda item.

From:

Parveen Akhtar
City Solicitor

Agenda Contact: Jill Bell/Jane Lythgow/Farzana Mughal

Phone: 01274 432270/ 07811 504164

E-Mail: jane.lythgow@bradford.gov.uk

To:

A. PROCEDURAL ITEMS

1. DISCLOSURES OF INTEREST

(Members Code of Conduct - Part 4A of the Constitution)

To receive disclosures of interests from members and co-opted members on matters to be considered at the meeting. The disclosure must include the nature of the interest.

An interest must also be disclosed in the meeting when it becomes apparent to the member during the meeting.

Notes:

- (1) Members may remain in the meeting and take part fully in discussion and voting unless the interest is a disclosable pecuniary interest or an interest which the Member feels would call into question their compliance with the wider principles set out in the Code of Conduct. Disclosable pecuniary interests relate to the Member concerned or their spouse/partner.*
- (2) Members in arrears of Council Tax by more than two months must not vote in decisions on, or which might affect, budget calculations, and must disclose at the meeting that this restriction applies to them. A failure to comply with these requirements is a criminal offence under section 106 of the Local Government Finance Act 1992.*
- (3) Members are also welcome to disclose interests which are not disclosable pecuniary interests but which they consider should be made in the interest of clarity.*
- (4) Officers must disclose interests in accordance with Council Standing Order 44.*

2. INSPECTION OF REPORTS AND BACKGROUND PAPERS

(Access to Information Procedure Rules – Part 3B of the Constitution)

Reports and background papers for agenda items may be inspected by contacting the person shown after each agenda item. Certain reports and background papers may be restricted.

Any request to remove the restriction on a report or background paper should be made to the relevant Strategic Director or Assistant Director whose name is shown on the front page of the report.

If that request is refused, there is a right of appeal to this meeting.

Please contact the officer shown below in advance of the meeting if you wish to appeal.

(Jane Lythgow - 01274 432270)

B. BUSINESS ITEMS

3. THE VILLAGE, 11-17 BARRY STREE, BRADFORD, BD1 2AL - APPLICATION FOR REVIEW OF A PREMISES LICENSE 1 - 36

The Interim Assistant Director Waste, Fleet and Transport Services will present a report (**Document “W”**) which outlines an application for review of the premises license for the Village, 11-17 Barry Street, Bradford, BD1 2AL.

Recommended –

Members are invited to consider the information and documents referred to in this report and, after hearing interested parties, determine the related application.

(Melanie McGurk – 01274 431873)

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Report of the Interim Assistant Director Waste, Fleet & Transport Services to the meeting of Bradford District Licensing Panel to be held on 24 February 2022.

Subject:

W

Application for a Review of a Premises Licence for the Village, 11-17 Barry Street, Bradford, BD1 2AL

Summary statement:

Application for review of a Premises Licence authorising the sale of alcohol for consumption on and off the premises and the provision of regulated entertainment.

EQUALITY & DIVERSITY:

The Council has to comply with the public sector equality duty in S.149 Equality Act 2010.

Susan Spink
Interim Assistant Director
Waste, Fleet & Transport Services

Report Contact: Melanie McGurk
Senior Licensing Officer
Phone: (01274) 431873
E-mail: melanie.mcgurk@bradford.gov.uk

Portfolio:

Neighbourhoods & Community Safety

Overview & Scrutiny Area:

Corporate

1. SUMMARY

The application is for the review of a premises licence authorising the sale of alcohol for consumption on and off the premises and the provision of regulated entertainment.

A copy of the Licence is attached at Appendix 1.

2. BACKGROUND

2.1 The Premises

Village, 11-17 Barry Street, Bradford, BD1 2AL

2.2 Premises Licence Holder

Ms Anne Gilmour.

2.3 Application Received asking for a Review of the Licence

Responsible Authority

The West Yorkshire Police have requested a review of the premises licence following nine recorded violent crimes taking place at the premises since May 2021, ranging from common assault, actual bodily harm, affray and a grievous bodily harm (stabbing). These also include three reported incidents which show under-age youths on the premises who have either been the witness, victim or suspect in crimes.

The West Yorkshire Police are of the opinion that the evidence shows that the premises are also failing to adhere to conditions 4, 5, 6 and 14 of the licence and are failing to promote the prevention of crime and disorder and protection of children from harm objectives.

West Yorkshire Police would recommend revocation of the licence.

The application for review is attached at Appendix 2

3. OTHER CONSIDERATIONS

Legal Appraisal

3.1 The Licensing Act 2003 requires the Council to carry out its various licensing functions so as to promote the following four licensing objectives:

a) the prevention of crime and disorder

- b) public safety
- c) the prevention of public nuisance
- d) the protection of children from harm

3.2 The Council must also have regard to the Guidance issued by the Home Office under Section 182 of the Licensing Act 2003. Paragraphs 11.1 to 11.29 of the Guidance specifically details how applications for review of licences should be determined. Regard must also be taken of the Council's statement of Licensing Policy for the District.

An extract of the Home Office Guidance is attached to this report at Appendix 3.

3.3 Where it is decided it is necessary to depart from the statutory guidance or the Licensing Policy on the merits of a particular case; then special reasons justifying this must be given that can be sustained.

3.4 Only "relevant representations" can be taken into account. In order to be "relevant" a representation must fairly relate to achieving a licensing objective. If it does not, it must be discounted.

3.5 Any licensing conditions that Members may propose attaching must also relate to achieving one of the licensing objectives; be tailored to the actual premises and style of licensable activity; must be reasonably achievable by the applicant and in his/her control.

Statement of Policy Issues

3.6 The following parts of the licensing policy are of particular importance; Part 4 Prevention of Crime and Disorder and Part 7 Protection of Children from Harm.

3.7 The annexes to the policy sets out various types of model condition that could be considered.

4. FINANCIAL & RESOURCE APPRAISAL

There are no apparent finance or resource implications.

5. RISK MANAGEMENT AND GOVERNANCE ISSUES

There are no apparent risk management implications.

6. LEGAL APPRAISAL

Referred to in part 3 of this report.

7. OTHER IMPLICATIONS

7.1 SUSTAINABILITY IMPLICATIONS

There are no apparent sustainability implications.

7.2 GREENHOUSE GAS EMISSIONS IMPACTS

There are no apparent implications.

7.3 COMMUNITY SAFETY IMPLICATIONS

When determining the application the Licensing Authority is required to pay due regard to the licensing objectives referred to in 3.1 of this report.

7.4 HUMAN RIGHTS ACT

The following rights are applicable:

Article 1 First Protocol to the Convention – Right to peaceful enjoyment of possessions subject to the state’s right to control the use of property in accordance with the general interest. The Council’s powers set out in the recommendations fall within the states right. A fair balance must be struck between public safety and the applicant’s rights.

Article 6 – A procedural right to a fair hearing. As refusal of the application is an option, adherence to the Panels’ usual procedure of affording a hearing to the applicant is very important. The applicant should also be able to examine the requirements of the fire authority. If the decision is to refuse then reasons should be given.

7.5 TRADE UNION

Not applicable.

7.6 WARD IMPLICATIONS

Ward Councillors have been notified of receipt of the application.

7.7 IMPLICATIONS FOR CHILDREN AND YOUNG PEOPLE

There are no apparent implications.

7.8 ISSUES ARISING FROM PRIVACY IMPACT ASSESMENT

There are no apparent data protection or information security implications.

8. NOT FOR PUBLICATION DOCUMENTS

None.

9. OPTIONS

9.1 Members may:

- (a) Reject the application for review of the licence; or
- (b) Decide not to impose any further restrictions on the licence; or
- (c) Decide to impose additional restrictions or remove any licensable activities on the licence, where necessary in order to address the licensing objectives; or
- (d) Suspend the licence for a period not exceeding 3 months; or
- (e) Revoke the premises licence; or
- (f) Remove the named Designated Premises Supervisor from the Licence.

9.2 Should the applicant or any other party to the hearing feel aggrieved at any decision with regard to the licence or to any conditions or restrictions attached by Members they may appeal to the Magistrates Court.

10. RECOMMENDATIONS

Members are invited to consider the information and documents referred to in this report and, after hearing interested parties, determine the related application(s).

11. APPENDICES

- 1. Premises Licence.
- 2. Application for review received 13 January 2022.
- 3. Extract from the Government Guidance.
- 4. Location plan of premises

12. BACKGROUND DOCUMENTS

Application form, plan etc.

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Licensing Act 2003 - Premises Licence**Licence No: 073186****Date Issued: 15 June 2017****Part 1 - Premises Details**

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION
Village 11-17 Barry Street, Bradford, BD1 2AL

WHERE THE LICENCE IS TIME LIMITED THE DATES
Not applicable

DATE FIRST GRANTED - ANNUAL FEE DATE
Licensing Act 2003 Fees Regulations 2005
22 December 2009

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE
A Performance of Live Music Any Playing of Recorded Music A Performance of Dance Entertainment Similar to Live or Recorded Music or Dance Performance The Supply of Alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES	
A Performance of Live Music Indoors	Mon 09:00-06:00 Tue 09:00-06:00 Wed 09:00-06:00 Thu 09:00-06:00 Fri 09:00-06:00 Sat 09:00-06:00 Sun 09:00-06:00
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THE OPENING HOURS OF THE PREMISES	
	Mon 09:00-06:30 Tue 09:00-06:30 Wed 09:00-06:30 Thu 09:00-06:30 Fri 09:00-06:30 Sat 09:00-06:30 Sun 09:00-06:30

WHERE THE LICENCE AUTHORISES SUPPLY OF ALCOHOL WHETHER THIS IS ON AND/OR OFF SUPPLIES
The Supply of Alcohol On and Off Premises

Part 2

NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE
Anne Gilmour ■ Manor Park Road, Cleckheaton, BD19 5BL

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL
Anne Gilmour ■ Manor Park Road, Cleckheaton, BD19 5BL

PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL
Licence Number: KMCPL 2575 Issued By: Kirklees

ANNEXES
<u>Annex 1 – Mandatory Conditions</u>

REQUIREMENT FOR A DESIGNATED PREMISES SUPERVISOR

No supply of alcohol may be made under the premises licence:

- (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
- (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

AUTHORISATION OF PERSONAL LICENCE HOLDER

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

IRRESPONSIBLE PROMOTIONS

The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises-

- a) games or other activities which require or encourage, or are designed to require or encourage, individuals to,
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or (ii) drink as much alcohol as possible (whether within a time limit or otherwise)
- b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective,
- c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective,
- d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner,
- e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

DRINKING WATER

The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

AGE VERIFICATION

The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either –

- a) a holographic mark, or
- b) an ultraviolet feature.

DRINKS MEASURES

The responsible person must ensure that:

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures-

- (i) beer or cider: half pint
- (ii) gin, rum, vodka or whisky: 25ml or 35ml and
- (iii) still wine in a glass: 125 ml

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises, and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

DUTY & TAX

A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

For the purposes of the condition set out in paragraph 1:

(a) 'duty' is to be construed in accordance with the Alcoholic Liquor Duties Act 1979,

(b) 'permitted price' is the price found by applying the formula 'P' equals 'D' plus ('D' times 'V'), where-

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol,

(c) 'relevant person' means, in relation to premises in respect of which there is in force a premises licence-

- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence,

(d) 'relevant person' means, in relation to premises in respect of which there is in force a club premises certificate, any member or

officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question, and

(e) 'value added tax' means value added tax charged in accordance with the Value Added Tax Act 1994.

Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ('the first day') would be different from the permitted price on the next day ('the second day') as a result of a change to the rate of duty or value added tax.

The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

SECURITY INDUSTRY AUTHORITY

All persons primarily engaged under or employed on the premises to vet, regulate and control persons entering the premises, or engaged, used or employed in the supervision of patrons once inside in order to ensure the maintenance of good order, public safety and internal security shall-

- (a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001, or
- (b) be entitled to carry out that activity by virtue of section 4 of that Act.

Annex 2 – Conditions Consistent with Operating Schedule

All Four Licensing Objectives

1. The Licensee shall ensure that adequate supervision of the premises is maintained at all times during the carrying out of licensable activities and that any staff are trained in ensuring compliance with the licensing objectives at all times.

The Prevention Of Crime And Disorder

2. A minimum of two SIA registered doorstaff shall be employed at the premises from 23.00 hours until close of business every Thursday;

A minimum of two SIA registered doorstaff shall be employed at the premises from 22.00 hours, with an additional two SIA registered doorstaff from midnight until close of business every Friday and Saturday;

A minimum of two SIA registered doorstaff shall be employed at the premises from 22.00 hours until close of business every Sunday;

when the premises are open for licensable activities.

3. The CCTV system shall be of a standard acceptable to the Licensing Authority and West Yorkshire Police and be maintained in good working order and used at all times the premises remain open to the public for licensable activities. Any CCTV footage shall be kept for at least 28 days and available to the Licensing Authority or a Responsible Authority on request.

4. All staff must be over the age of 18 years. Children under the age of 18 years must be accompanied by a responsible adult and must vacate the premises by 21.00 hours.

5. A check 21 policy shall be in place during all licensable activities.

6. The Premises Licence Holder shall at all times maintain a "zero tolerance" policy with regard to illegal drugs including appropriate staff training in detection and prevention.

Public Safety

7. All first aid facilities shall be maintained in good working order.

8. Access and egress doors into and out of the premises shall be kept clear and free from obstruction at all times.

9. The Licensee shall ensure that all instances of crime and disorder are recorded in an incident log book that is made available to West Yorkshire Police on request. West Yorkshire Police shall also receive regular reports of such incidents from the Licensee.

10. The Licensee shall ensure that bottles, glasses and other drink receptacles are collected regularly.

The Prevention Of Public Nuisance

11. Notices shall be displayed in prominent positions near exits reminding patrons to leave in a quiet and orderly manner.

12. Noise from amplified and non-amplified music, singing and speech arising from regulated entertainment at the premise shall not be audible at the nearest noise sensitive premises.

13. The Licensee and staff shall be adequately trained about how to ensure that entry to the premises/service is refused to anyone who is drunk or behaving in a violent or threatening manner.

The Protection Of Children From Harm

14. The Licensee shall enforce an effective recognised "proof of age policy" at all times and ensure appropriate staff training in its operation.

Annex 3 – Conditions attached after a hearing by the Licensing Authority

Not applicable

Licensing Act 2003 - Premises Licence Summary
Licence No: 073186

Date Issued: 15 June 2017

Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

Village
 11-17 Barry Street, Bradford, BD1 2AL

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

DATE FIRST GRANTED - ANNUAL FEE DATE

Licensing Act 2003 Fees Regulations 2005

22 December 2009

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

A Performance of Live Music
 Any Playing of Recorded Music
 A Performance of Dance
 Entertainment Similar to Live or Recorded Music or Dance Performance
 The Supply of Alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

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WHERE THE LICENCE AUTHORIZES SUPPLY OF ALCOHOL WHETHER THIS IS ON AND/OR OFF SUPPLIES

The Supply of Alcohol On and Off Premises

NAME AND (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

Anne Gilmour
 ■ Manor Park Road, Cleckheaton, BD19 5BL

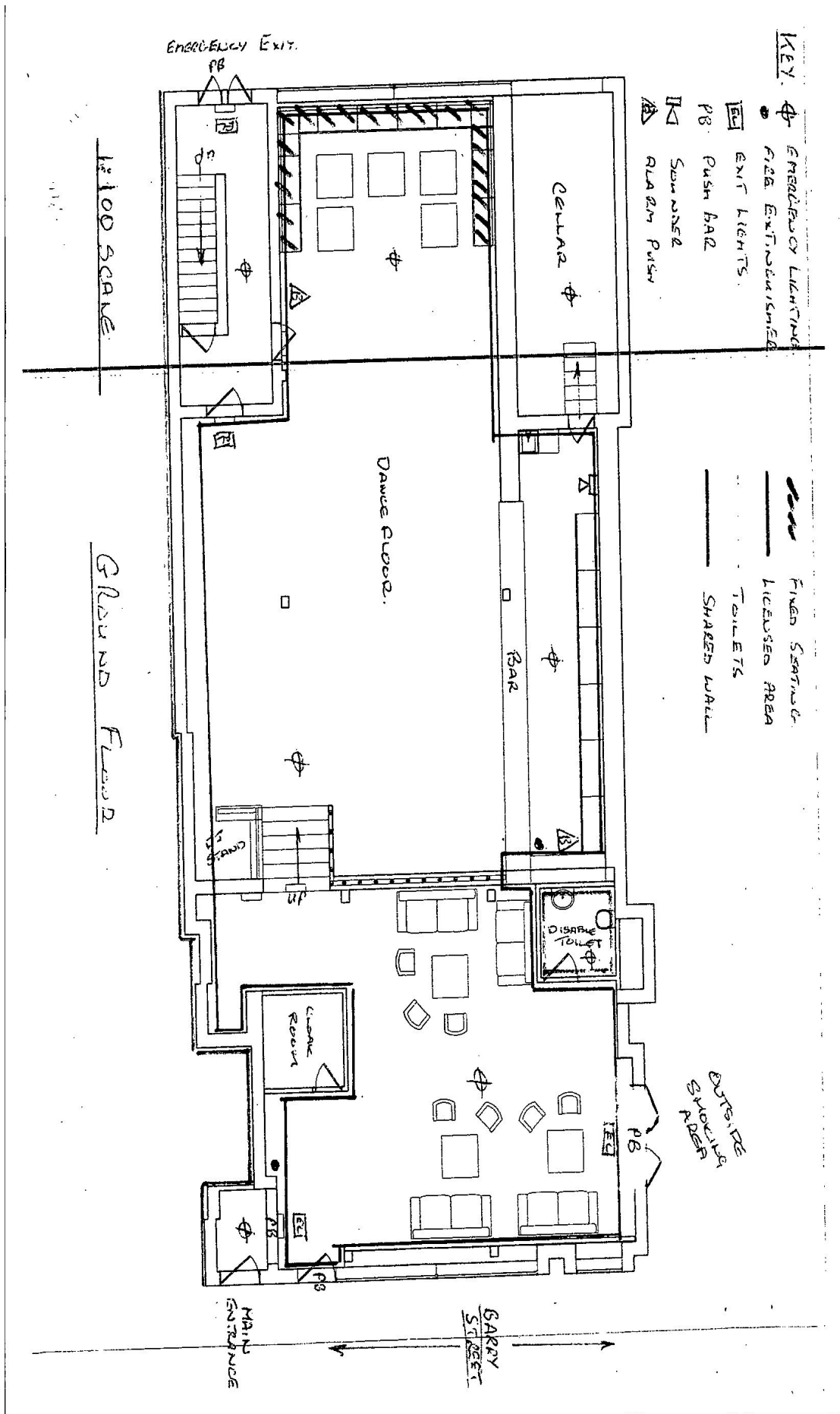
REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORIZES THE SUPPLY OF ALCOHOL

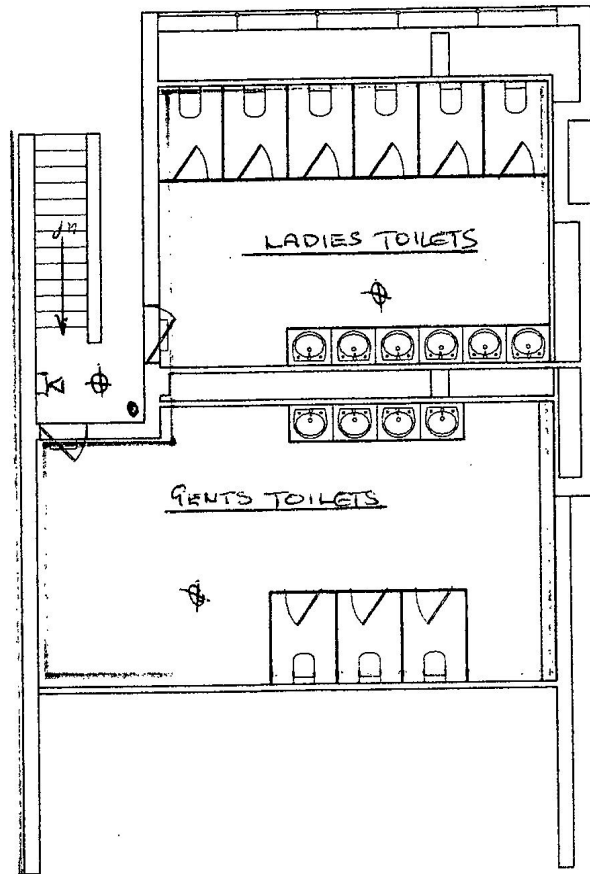
Anne Gilmour

WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OT PROHIBITED

All staff must be over the age of 18 years. Children under the age of 18 years must be accompanied by a responsible adult and must vacate the premises by 21.00 hours.



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1:100 SCALE

UPPER FLOOR

BARRY STREET

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Licensing Team, Argus Chambers, Hall Ings, Bradford, BD1 1HX

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
 If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.
 You may wish to keep a copy of the completed form for your records.

I Bradford District Police

(Insert name of applicant)

Apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described below in Part 1 below

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Village 11-17 Barry Street Bradford BD1 2AJ	
Post town Bradford	Post code (if known) BD1 2AJ

Name of premises licence holder or club holding club premises certificate (if known) Anne GILMOUR

Number of premises licence or club premises certificate (if known) 073186

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick ✓ yes

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address

Bradford District Police
Trafalgar House Police Station
Nelson Street
Bradford BD5 0EW

Telephone number (if any)

07525 917858

E-mail address (optional)
kevin.lord@westyorkshire.police.uk

This application to review relates to the following licensing objective(s)

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please tick one or more boxes ✓

- x

x

Please state the ground(s) for review (please read guidance note 2)

The Chief of Police and Bradford District Police Licensing are requesting a review of the premises licence based on the failure of the premises to promote the licensing objectives.

When looking at the history of the Premises, consideration has been taken into the unprecedented events since 2020, when a pandemic had a drastic effect on the hospitality industry. Premises were forced to close for many months. Village did re open mid to late May 2021, but only as a bar, before re opening as a night club a few weeks later when regulations allowed. Due to these circumstances, the request for a review is based solely on incidents which have occurred at the Premises since May 2021.

The Premises benefits from a Premises Licence which authorises the sale of alcohol for consumption ON and OFF the premises along with regulated entertainment between the hours of 09.00 and 06.00 every day of the week.

The grounds for review are as follows:

Since May 2021 there has been nine recorded violent crimes at the premises ranging from common assault, actual bodily harm, affray, and a grievous bodily harm (stabbing).

Included in these are three reported incidents which show under-age youths on premises who have either been the witness, victim or suspect in crimes.

Police Officers have also raised concerns regarding drug use at the premises.

Based upon these reports and evidence gathered, a review is requested as it is believed that the premises have failed to promote the licensing objectives, namely **the prevention of crime and disorder and the protection of children from harm.**

Please provide as much information as possible to support the application (please read guidance note 3)

In the early hours of **Sunday 9th January 2022**, Police received a report of a stabbing which had occurred in the premises and Officers were dispatched. A male was located with significant wounds to his abdomen and was taken to hospital.

Details are included in attached separate sheet for the information of the Licensing Panel as this incident is still the subject of a Police investigation and information should not be made available to the public at this stage.

Previous incidents at the Village Nightclub.

01/08/21

S47 Assault actual bodily harm. Suspect and victim are strangers. Victim is punched to the face, causing him to go unconscious for thirty seconds and sustains a cut and swollen top lip.

08/08/21

Affray. Several people receive injuries following assaults inside and outside the premises.

29/08/21

S47 Assault actual bodily harm. Victim and suspect are both 16 years of age and are involved in a fight in the smoking area of the premises. Victim is kicked and punched. Victim provided a statement confirming she was on premises at 02.00hrs and suspect admitted being present on interview.

12/09/21

S47 Assault actual bodily harm.

Police have been walking along Sackville Street and Security have stated a female had been assaulted inside and she was unconscious. Police entered and found unconscious female laying on the floor. Members of the public have stated suspect had punched her to her head.

18/09/21

S 39 assault by beating and theft of property

The aggrieved is with a friend in the premises when she gets into an argument with another group of girls. Victim has then been punched to the face. She does not remember anything else other than the female who hit her was arrested outside the premises for other offences. Victims phone and bank card stolen and used to buy drinks in the premises.

26/09/21

S47 Assault actual bodily harm

Victim has been in Village when she was assaulted by known female in the female toilets. She was punched and kicked. Victim has then left club where she has then been assaulted again by two suspects outside. Victim left with bruising and swelling.

30/10/21

Administration of poison (spiking)

Victim is 15 years of age. He has then gone to Village nightclub with around 13 of his friends at around 2300hrs where he had an orange VK and about 3 single vodka & lemonades. He states he bought all these himself. He has then been given a shot of some spirit by a friend of a friend. After taking this shot, he says he started to feel weird. He has then left the Village and gone to sit outside. He stated he felt his chest tighten and he started to shake before he passed out on a wall outside. He woke up and a friend looked after him and an ambulance was called.

26/12/21

S39 assault and possession of bladed article (knife)

Suspect was inside the premises and begins fighting with door staff after he was seen with a knife. Suspect has fled the premises but was detained by security on another street. Officers in the area then arrest the suspect and seize a knife which was located in the premises.

Police have also received several pieces of intelligence regarding underage attendance at the Premises:

12/10/21. The staff at The Village Nightclub, Sackville Street, Bradford are not checking ID of customers entering the club. Underage youths are attending the premises with weapons and again are not being checked. There is also drug dealing at the club.

On Sunday 31/10/2021 at 01.30hrs, The Village Night Club, 2-4 Sackville Street, Bradford BD1 2AJ was full of underage young people. One parent attended the club at 01.30 hours after finding out her child was at the club and removed her. Also present was a female known to be 12 years old.

On 14/11/2021 at 03.00hrs Officers were on City Centre patrol when they located a named female who is 15 years of age going in and out of consciousness after heavily drinking in a named bar. Her friends stated she had been drinking in town with two other 15 year olds. They were with another group of youths who stated they had been allowed access to another bar and then attended the Village night club on Sackville street.

The mother of the young girl stated that she had got into clubs using someone's legitimate driving licence with the female in the picture looking young, having the same hair colour but being 18 years old. The owner of the driving licence is unknown.

On 13/11/2021 at 02.00 hours A 15-year-old youth was spoken to by Officers and stated that he didn't need ID to get into the Village night club, Sackville Street, Bradford. The male stated that two weeks previously he had reported that he had been spiked in the Village. This appears to refer to the incident previously mentioned on 30/10/21. He stated Officers had entered the club that evening, and he had hidden in the toilets and ran out.

The Premises Licence for Village has several conditions attached including:

Prevention of crime and disorder

4. All staff must be over the age of 18 years. Children under the age of 18 years must be accompanied by a responsible adult and must vacate the premises by 21.00 hours.

Prevention of crime and disorder

5. A check 21 policy shall be in place during all licensable activities

6. The Premises Licence Holder shall at all times maintain a "zero tolerance" policy with regard to illegal drugs including appropriate staff training in detection and prevention.

Protection of children from harm

14. The Licensee shall enforce an effective recognised "proof of age policy" at all times and ensure appropriate staff training in its operation.

From the details outlined in this application, the Premises has failed several times to uphold these conditions of their licence.

They have also and failed to promote licensing objectives, namely the Prevention of Crime and Disorder and The Protection of Children from Harm.

Bradford District Police are therefore requesting that the Licensing Panel revoke the premises licence.

Any further relevant information?

There is currently a Police investigation still ongoing into the stabbing which occurred at the premises on the 9th January 2022.

Bradford District Police respectfully request that details of this investigation, and observations relating to it, which are included in this application to the Licensing Panel, are kept confidential to prevent the investigation and conviction of an offender being jeopardised.

We would also respectfully ask that consideration being given to members of the public and press be excluded from the hearing should details of this investigation and related information be disclosed to the panel during the hearing.

Have you made an application for review relating to the premises before

N/A

If yes please state the date of that application

Day Month Year

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If you have made representations before relating to the premises please state what they were and when you made them

N/A

Please tick ✓ yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant’s solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant, please state in what capacity.**

Signature  PC2730 LORD.....

Date 13/01/20222.....

Capacity PC2730 LORD, Bradford District Police Licensing.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

PC 2730 LORD

Licensing Department

5th Floor

Sir Henry Mitchel House

Post town Bradford

Post Code

BD5 0QL

Telephone number (if any) 07525917858

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

kevin.lord@westyorkshire.police.uk

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

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11. Reviews

The review process

- 11.1 The proceedings set out in the 2003 Act for reviewing premises licences and club premises certificates represent a key protection for the community where problems associated with the licensing objectives occur after the grant or variation of a premises licence or club premises certificate.
- 11.2 At any stage, following the grant of a premises licence or club premises certificate, a responsible authority, or any other person, may ask the licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives.
- 11.3 An application for review may be made electronically, provided that the licensing authority agrees and the applicant submits a subsequent hard copy of the application, if the licensing authority requires one. The licensing authority may also agree in advance that the application need not be given in hard copy. However, these applications are outside the formal electronic application process and may not be submitted via GOV.UK or the licensing authority's electronic facility.
- 11.4 In addition, the licensing authority must review a licence if the premises to which it relates was made the subject of a closure order by the police based on nuisance or disorder and the magistrates' court has sent the authority the relevant notice of its determination, or if the police have made an application for summary review on the basis that premises are associated with serious crime and/or disorder.
- 11.5 Any responsible authority under the 2003 Act may apply for a review of a premises licence or club premises certificate. Therefore, the relevant licensing authority may apply for a review if it is concerned about licensed activities at premises and wants to intervene early without waiting for representations from other persons. However, it is not expected that licensing authorities should normally act as responsible authorities in applying for reviews on behalf of other persons, such as local residents or community groups. These individuals or groups are entitled to apply for a review for a licence or certificate in their own right if they have grounds to do so. It is also reasonable for licensing authorities to expect other responsible authorities to intervene where the basis for the intervention falls within the remit of that other authority. For example, the police should take appropriate steps where the basis for the review is concern about crime and disorder or the sexual exploitation of children. Likewise, where there are concerns about noise nuisance, it is reasonable to expect the local authority exercising environmental health functions for the area in which the premises are situated to make the application for review.
- 11.6 Where the relevant licensing authority does act as a responsible authority and applies for a review, it is important that a separation of responsibilities is still achieved in this process to ensure procedural fairness and eliminate conflicts of interest. As outlined previously in Chapter 9 of this Guidance, the distinct functions of acting as licensing authority and responsible authority should be exercised by different officials to ensure a separation of responsibilities. Further information on how licensing authorities should achieve this separation of responsibilities can be found in Chapter 9, paragraphs 9.13 to 9.19 of this Guidance.

- 11.7 In every case, any application for a review must relate to particular premises in respect of which there is a premises licence or club premises certificate and must be relevant to the promotion of one or more of the licensing objectives. Following the grant or variation of a licence or certificate, a complaint regarding a general issue in the local area relating to the licensing objectives, such as a general (crime and disorder) situation in a town centre, should generally not be regarded as a relevant representation unless it can be positively tied or linked by a causal connection to particular premises, which would allow for a proper review of the licence or certificate. For instance, a geographic cluster of complaints, including along transport routes related to an individual public house and its closing time, could give grounds for a review of an existing licence as well as direct incidents of crime and disorder around a particular public house.
- 11.8 Where a licensing authority receives a geographic cluster of complaints, the authority may consider whether these issues are the result of the cumulative impact of licensed premises within the area concerned. In such circumstances, the authority may also consider whether it would be appropriate to include a special policy relating to cumulative impact within its licensing policy statement. Further guidance on cumulative impact policies can be found in Chapter 14 of this Guidance.
- 11.9 Representations must be made in writing and may be amplified at the subsequent hearing or may stand in their own right. Additional representations which do not amount to an amplification of the original representation may not be made at the hearing. Representations may be made electronically, provided the licensing authority agrees and the applicant submits a subsequent hard copy, unless the licensing authority waives this requirement.
- 11.10 Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this co-operation.
- 11.11 If the application for a review has been made by a person other than a responsible authority (for example, a local resident, residents' association, local business or trade association), before taking action the licensing authority must first consider whether the complaint being made is relevant, frivolous, vexatious or repetitious. Further guidance on determining whether a representation is frivolous or vexatious can be found in Chapter 9 of this Guidance (paragraphs 9.4 to 9.10).

Repetitious grounds of review

- 11.12 A repetitious ground is one that is identical or substantially similar to:
- a ground for review specified in an earlier application for review made in relation to the same premises licence or certificate which has already been determined; or
 - representations considered by the licensing authority when the premises licence or certificate was granted; or
 - representations which would have been made when the application for the premises

licence was first made and which were excluded then by reason of the prior issue of a provisional statement; and, in addition to the above grounds, a reasonable interval has not elapsed since that earlier review or grant.

- 11.13 Licensing authorities are expected to be aware of the need to prevent attempts to review licences merely as a further means of challenging the grant of the licence following the failure of representations to persuade the licensing authority on an earlier occasion. It is for licensing authorities themselves to judge what should be regarded as a reasonable interval in these circumstances. However, it is recommended that more than one review originating from a person other than a responsible authority in relation to a particular premises should not be permitted within a 12 month period on similar grounds save in compelling circumstances or where it arises following a closure order.
- 11.14 The exclusion of a complaint on the grounds that it is repetitious does not apply to responsible authorities which may make more than one application for a review of a licence or certificate within a 12 month period.
- 11.15 When a licensing authority receives an application for a review from a responsible authority or any other person, or in accordance with the closure procedures described in Part 8 of the 2003 Act (for example, closure orders), it must arrange a hearing. The arrangements for the hearing must follow the provisions set out in regulations. These regulations are published on the Government's legislation website (www.legislation.gov.uk). It is particularly important that the premises licence holder is made fully aware of any representations made in respect of the premises, any evidence supporting the representations and that the holder or the holder's legal representative has therefore been able to prepare a response.

Powers of a licensing authority on the determination of a review

- 11.16 The 2003 Act provides a range of powers for the licensing authority which it may exercise on determining a review where it considers them appropriate for the promotion of the licensing objectives.
- 11.17 The licensing authority may decide that the review does not require it to take any further steps appropriate to promoting the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder.
- 11.18 However, where responsible authorities such as the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate. Similarly, licensing authorities may take into account any civil immigration penalties which a licence holder has been required to pay for employing an illegal worker.
- 11.19 Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:

- modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
- exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption)¹⁰;
- remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
- suspend the licence for a period not exceeding three months;
- revoke the licence.

11.20 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review.

11.21 For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.

11.22 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objectives.

11.23 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives or preventing illegal working. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives and for the prevention of illegal working in licensed premises. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.

¹⁰ See chapter 15 in relation to the licensing of live and recorded music.

Reviews arising in connection with crime

- 11.24 A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises, money laundering by criminal gangs, the sale of contraband or stolen goods, the sale of firearms, or the sexual exploitation of children. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts. The licensing authority's role when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective.
- 11.25 Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. There is, therefore, no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. Some reviews will arise after the conviction in the criminal courts of certain individuals, but not all. In any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to attempt to go beyond any finding by the courts, which should be treated as a matter of undisputed evidence before them.
- 11.26 Where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any appropriate steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives and the prevention of illegal working in the interests of the wider community and not those of the individual licence holder.
- 11.27 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:
- for the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime;
 - for the sale and distribution of illegal firearms;
 - for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
 - for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
 - for prostitution or the sale of unlawful pornography;
 - by organised groups of paedophiles to groom children;
 - as the base for the organisation of criminal activity, particularly by gangs;

- for the organisation of racist activity or the promotion of racist attacks;
- for employing a person who is disqualified from that work by reason of their immigration status in the UK;
- for unlawful gambling; and
- for the sale or storage of smuggled tobacco and alcohol.

11.28 It is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.

Review of a premises licence following closure order or illegal working compliance order

11.29 Licensing authorities are subject to certain timescales, set out in the legislation, for the review of a premises licence following a closure order under section 80 of the Anti-social Behaviour, Crime and Policing Act 2014 or an illegal working compliance order under section 38 of and Schedule 6 to the Immigration Act 2016. The relevant time periods run concurrently and are as follows:

- when the licensing authority receives notice that a magistrates' court has made a closure order it has 28 days to determine the licence review – the determination must be made before the expiry of the 28th day after the day on which the notice is received;
- the hearing must be held within ten working days, the first of which is the day after the day the notice from the magistrates' court is received;
- notice of the hearing must be given no later than five working days before the first hearing day (there must be five clear working days between the giving of the notice and the start of the hearing).

Review of a premises licence following persistent sales of alcohol to children

11.29 The Government recognises that the majority of licensed premises operate responsibly and undertake due diligence checks on those who appear to be under the age of 18 at the point of sale (or 21 and 25 where they operate a Challenge 21 or 25 scheme). Where these systems are in place, licensing authorities may wish to take a proportionate approach in cases where there have been two sales of alcohol within very quick succession of one another (e.g., where a new cashier has not followed policy and conformed with a store's age verification procedures). However, where persistent sales of alcohol to children have occurred at premises, and it is apparent that those managing the premises do not operate a responsible policy or have not exercised appropriate due diligence, responsible authorities should consider taking steps to ensure that a review of the licence is the norm in these circumstances. This is particularly the case where there has been a prosecution for the offence under section 147A or a closure notice has been given under section 169A of the 2003 Act. In determining the review, the licensing authority should consider revoking the licence if it considers this appropriate.



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